


Noncompliance Identification, Reporting, Tracking, and Closure


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Objectives




- ✍ **PAAA noncompliance identification**
- ✍ **Evaluation for reportability (with example scenarios)**
- ✍ **Tracking and closure of noncompliances**
- ✍ **Coordinator responsibilities**

Noncompliance Identification

-  **DOE expects the contractor to promptly identify and report noncompliance conditions.**




-  **Typical sources of PAAA noncompliance identification**
 - ? Worker self-identification or safety concerns
 - Contractor or external assessments
 - Events
 - Deficiency reports
 - Nonconformance reports
 - External personnel or mechanisms

Identification Through Events



-  **Noncompliances can be identified through events.**
-  **Contractors should assess events and underlying conditions for PAAA noncompliances.**
-  **These noncompliances are generally not credited as self-identified.**

Noncompliance Screening

Who screens the sources of PAAA noncompliances?

-  **DOE is not prescriptive on this matter.**
-  **The process is determined by the contractor and may be centralized or decentralized.**
-  **Examples of contractor processes include the following:**
 - Initial screening by facility coordinators at the facility level and subsequent consultation with the site contractor coordinator
 - Initial screening by directorate coordinators and subsequent consultation with the site contractor coordinator.

Noncompliance Screening II



-  **Screening forms or logs typically used to document screening decisions (see example).**
-  **Reference the Program Review Letters on the OE web page for additional discussion of contractor processes (<http://tis.eh.doe.gov/enforce/>)**

Identification and Screening Criteria



Common problem areas with contractor processes:

- ✍ Failure to evaluate all sources for potential noncompliances (including assessments)**
- ✍ Improper determination that a noncompliance is not PAAA due to –**
 - Low safety significance
 - Immediate corrective actions
 - Self imposed criteria to limit scope of rule

PAAA Determination




-  **Non-PAAA problems should be handled using established problem resolution processes.**
-  **Problems determined to be PAAA noncompliances should be evaluated for reportability into the DOE Noncompliance Tracking System (NTS).**

Noncompliance Reporting: Thresholds

-  **PAAA noncompliances that meet or exceed the reporting thresholds in Tables 3-1 or 3-2 of the PAAA operational procedures should be reported by the contractor using the NTS.**
-  **Other PAAA noncompliances (below Table 3-1 & 3-2 thresholds) are reported and tracked in the contractor's self-tracking system.**

Intentional/Misrepresentation

These violations involve the failure to perform substantive activities required by nuclear safety requirements coupled with the following:

-  The alteration, concealment, or destruction of documents pertaining to those activities, or**
-  A knowing and willful violation**
-  Misrepresentation or intentional violation**

Noncompliance Reporting: Thresholds III

Table 3-2 thresholds involve noncompliances associated with events or conditions that are reported into ORPS.

Reporting Discussion – Scenario A

A reactor operator enters a contamination area without complying with local entry requirements. An RCT notices the operator and alerts him to the entry requirements. The operator shrugs, explains that his work will take only one more minute, and remains in the area. The RCT reports the matter to his supervisor, appropriate actions are taken, and a deficiency report is generated. Should the contractor also generate an NTS report based on Table 3-1 Intentional Violation or Misrepresentation thresholds?

Reporting Discussion – Scenario B

An electrician inadvertently fails to comply with the local lockout/tagout (LO/TO) procedure when tagging out a ventilation fan prior to maintenance in a nuclear facility. The electrician had received annual re-training on the LO/TO procedure six weeks prior to the work. Did the LO/TO procedural violation represent an intentional violation, and should it consequently be reported to the NTS?

Reporting Discussion – Scenario C



Contractor routine bioassay results indicate an exposure for worker A in excess of the DOE limit of 5 rem. The contractor initiates an exhaustive investigation, which includes a detailed review of all RWPs and work activities the worker has been involved in, and is unable to attribute the intake to any event, deficiency, or poor work practice.

Since the contractor is unable to identify a problem or deficiency, did a PAAA noncompliance occur? If so, should it be reported on NTS?

Reporting Discussion – Scenario D

A noncompliance occurs that meets the threshold for reporting into the contractor's local tracking system. Corrective actions are identified for this noncompliance. Before all corrective actions are implemented, a second similar noncompliance occurs. Should the second occurrence trigger the generation of an NTS report?

Timely Identification and Reporting

-  **Allows for self-identification credit**
-  **Reporting generally done within 20 days after identification of the noncompliance**

Disagreements Over Reportability

If there is a disagreement over reportability, the PAAA Coordinator should--




 **Work with DOE Field/Program management and contractor management**

 **Contact the Enforcement Staff.**

- Notes:
- a. If the contractor does not report an NTS reportable noncompliance, the Enforcement Staff will not be able to exercise full mitigation discretion.
 - b. It is in the contractor's best interest to work closely with the PAAA Coordinators and report potential noncompliances meeting the threshold for NTS reporting.

Expected Information





Information to be provided in NTS –

-  **Clear, concise, factual, objective description of noncompliance**
-  **Brief summary of the root cause, corrective actions (CA), actions to prevent recurrence, target and actual completion dates**
-  **Acceptable to reference ORPS report for additional details**


Non-NTS Reportable

- ✍ Existing contractor systems are used to record and track non-NTS reportable noncompliances.**
- ✍ Tracking system should be capable of retrieving PAAA noncompliances and be readily accessible by DOE.**

Noncompliance Closure - General



-  **CAs should address root causes.**
-  **CAs should be formally tracked (NTS or internal system).**
-  **Closure should be based on completion of CAs.**
-  **Should consider effectiveness review to verify adequacy of CAs – can be tracked as a CA or separately.**

NTS Reportable I

-  Contractor should verify implementation of CAs prior to closure to --**
 - Ensure actions completed, comprehensive
 - Address root cause to prevent recurrence.

NTS Reportable II

DOE PAAA Coordinator responsible to - -

-  Verify completion of CAs (typically work with Fac Reps, SMEs)**
-  Enter verification results into NTS, with clear recommendation for closure.**

NTS Reportable III

OE Enforcement Officer:

 **Keeps NTS reports open pending report of completion of CAs from contractor and DOE PAAA Coordinator comments.**

 **Will then close the NTS report.**

Non-NTS Reportable

-  **Contractor responsibilities are similar to those for NTS reportable noncompliances.**
-  **Verification of corrective actions not required by DOE PAAA Coordinator; should periodically review status and trends.**